



STATE OF LOUISIANA  
DEPARTMENT OF STATE CIVIL SERVICE  
**LOUISIANA BOARD OF ETHICS**  
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March 25, 2011

Mr. James Burland  
LAPHCC  
13144 Perkins Road, Suite B  
Baton Rouge, LA 70810

**RE: Ethics Board Docket No. 2011-348**

Dear Mr. Burland:

The Louisiana Board of Ethics, at its March 18, 2011 meeting, considered your request for an advisory opinion regarding whether a member of the State Plumbing Board of Louisiana ("SBPLA"), Keith Bienvenu, or his immediate family may become an SBPLA-approved instructor and accept employment with the Louisiana Association of Plumbing-Heating-Cooling-Contractors ("LAPHCC") to teach SBPLA-approved courses to the Louisiana Association of Plumbing-Heating-Cooling-Contractors. You stated that Keith Bienvenu is a member of the SPBLA, and he is also the owner of Bienvenu Plumbing-Heating-Cooling. Mr. Bienvenu has been hired by the Louisiana Association of Plumbing-Heating-Cooling Contractors (LAPHCC) to teach SBPLA-approved training classes to LAPHCC members. In the past, Mr. Bienvenu has been approved for his certification and is seeking to have it renewed. Renewal of a SPBLA certification requires attendance and completion of required continuing professional education courses. The SPBLA has denied renewal of Mr. Bienvenu's certification for fear of a violation of the Ethics Code.

The SPBLA provides certifications for individuals upon completion of a written application, stating personal history, licenses obtained and experience. The approval for certification is based upon satisfying the criteria of the application. The LAPHCC is a Louisiana private, non-profit trade organization comprised of individual and corporate memberships in the plumbing, heating and cooling industry. The members are licensed in their profession and maintain their license through completion of SPBLA-approved training classes offered by SPBLA-approved providers, as well as passage of license examinations administered by the SPBLA.

The LAPHCC, as a SPBLA provider, offers the SPBLA-approved training classes to its member firms and their employees, interns and apprentices. LAPHCC is not the sole provider of these training classes. The LAPHCC courses are taught by SPBLA- approved instructors hired by the LAPHCC for this purpose. Other than being an SPBLA- approved provider, the LAPHCC conducts no other official business before the SPBLA as an organization or on behalf of its membership.

The Board concluded, and instructed me to advise you, that the Code of Governmental Ethics will not prohibit Mr. Bienvenu from renewing his certification with the SPBLA. However, he is prohibited from continuing his employment with the LAPHCC. Section 1113 of the Code prohibits the member of a board or commission or his immediate family members from entering into or being in anyway interested in transactions that are under the supervision of the agency of the public servant. In the case of *Hill v. Commission on Ethics for Public Employees*, 453 So.2d 558, (La. 1984), the Supreme Court ruled that a member of the Cosmetology Board could renew a license for a beauty shop and a license to practice cosmetology since those renewals were "routine and mechanical." Routine and mechanical was defined as something issued in accordance with the rules and procedures of the agency and without the vote of the Board. Based on the requirements for renewal of certifications of the SPBLA, as long as Mr. Bienvenu completes the required Continuing Professional Education class, his certification is renewed. Thus, it appears that the renewal of Mr. Bienvenu's license would be "routine and mechanical." Therefore, there is no violation of Section 1113 of the Code if Mr. Bienvenu's or an immediate family member of Mr. Bienvenu, certification is renewed with the SPBLA.

Section 1111C(2)(d) of the Code prohibits a public servant from accepting anything of economic value for services rendered from a person who 1) has a business, contractual, or financial relationship with your agency or 2) conducts operations or activities that are regulated by the public servant's agency. As a service provider of the SPBLA, the LAPHCC provides training courses that are regulated by the SPBLA. Thus, Mr. Bienvenu would be prohibited from accepting compensation from the LAPHCC while the LAPHCC teaches courses that are regulated by the SPBLA. There is nothing in the Code that would prohibit Mr. Bienvenu from volunteering his services to the LAPHCC. Since the approval for the classes taught at LAPHCC are based on the content of the courses taught and not the instructors, there is nothing in the Code that would prohibit the immediate family of Mr. Bienvenu or any other SPBLA Board member's siblings from being employed with the LAPHCC.

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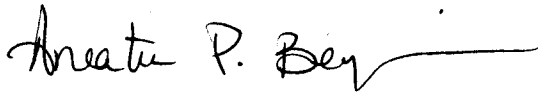
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Section 1112 of the Code prohibits a public servant from participating in transactions in which he, his immediate family members, or his employer has a substantial economic interest. As such, Mr. Bienvenu, as a member of the SPBLA, must recuse himself from approving any matters that come before the SPBLA Board that may involve his immediate family members or himself.

This advisory opinion is based solely on the facts as set forth herein. Changes to the facts as presented may result in a different application of the provisions of the Code of Ethics. The Board issues no opinion as to past conduct or laws other than the Code of Governmental Ethics. If you have any questions, please contact me at (225) 219-5600 or (800) 842-6630.

Sincerely,

**LOUISIANA BOARD OF ETHICS**

A handwritten signature in cursive script, reading "Aneatra P. Boykin", followed by a horizontal flourish line.

Aneatra P. Boykin

For the Board